

IN RE: PETITION FOR ZONING VARIANCE  
NW/Corner Hinton Avenue and  
10th Street (Lot 170)  
(8812 Hinton Avenue)  
15th Election District  
7th Councilmanic District  
Gerald W. Ruth  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a lot width of 50 feet in lieu of the required 55 feet, and a side street setback of 10 feet in lieu of the required 25 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing as an interested party was Fred Siskak. There were no Protestants.

Testimony indicated that the subject property, known as 8812 Hinton Avenue (Lot 170), consists of .176 acres more or less zoned D.R. 5.5, and is an undeveloped corner lot located at the intersection of Hinton Avenue and a paper street known as 10th Street. Testimony indicated the property is part of the Swan Point subdivision which was recorded with 50-foot wide lots. Petitioner is desirous of constructing a single family dwelling on the subject property; however, while the overall lot area contains 7,650 sq. ft., the lot does not meet setback requirements as to lot width.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance

would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of February, 1989 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet and a side street setback of 10 feet in lieu of the required 25 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

#### PETITION FOR ZONING VARIANCE CRITICAL AREA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B. to permit a lot width of 50' and a side street of 10' in lieu of the required 55' and 25' respectively.

When lots were measured they were 50' wide. Lots were in single ownership for 4 yrs. will not affect the overall density of the measured plot. Lots are good example over the adjacent lots.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: \_\_\_\_\_

Legal Owner(s):  
Gerald W. Ruth  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
Gerald Ruth  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

MAP SE 71  
4A  
E. D. 15A  
DATE 5/10/89  
200  
1000  
DE

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of February, 1989.

of 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of JAN, 1989, at 2 o'clock P.M.  
J. Robert Haines  
Zoning Commissioner of Baltimore County.

#### ZONING DESCRIPTION

Beginning on the west side of 10th Street on the north side of Hinton Ave. being lot 170 in the subdivision of Swan Point lying in the 15th Election District.

#### CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222  
January 6, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. - Case #89-277-A - P.O. #07858 - Reg. #M25140 - 86 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive week before the 6th day of January 1989; that is to say, the same was inserted in the issues of Jan. 5, 1989

Kimbel Publication, Inc.  
per Publisher.  
By K.C. Dille

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. January 5, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 5, 1989.

THE JEFFERSONIAN,

S. Z. Orlan  
Publisher

PO 07857  
reg M25139  
case 89-277-A  
price \$39.40

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th  
Posted for: Notices  
Petitioner: Gerald W. Ruth  
Location of property: Hinton Ave. & 10th St. - Lot #170  
Location of Signs: Property line between Hinton Ave. & 10th St. - Lot #170  
Remarks: See plat of J. Robert Haines  
Posted by: M. Haines  
Number of Signs: 1

2) Petitioner shall comply with the requirements of the Office of Planning as set forth in their comments dated January 20, 1989, attached hereto and made a part hereof.

3) Petitioner shall not allow or cause the proposed dwelling to be used as a two family dwelling unit or as apartments.

4) There shall be no storage of personal property on that area designated as the paper street known as 10th Street. Petitioner shall not place any improvements on the paper street or install fencing along that portion of his property adjoining said paper street.

5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 15, 1988, attached hereto and made a part hereof.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:bjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 1/23/89

Mr. Gerald W. Ruth  
8812 Hinton Avenue  
Baltimore, Maryland 21219

Res: CASE NUMBERS 89-277-A  
Petition for Zoning Variance  
NIC Hinton Avenue and 10th Street  
Lot #170  
15th Election District - 7th Councilmanic  
Petitioner(s): Gerald W. Ruth  
HEARING SCHEDULED: TUESDAY, JANUARY 24, 1989 at 2:00 p.m.

Dear Mr. Ruth:

Please be advised that \$97.40 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, 1000 North Howard Avenue, Towson, Maryland 21204, 15 minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE 1/31/89 ACCOUNT 90-615-000  
AMOUNT \$ 97.40  
RECEIVED BY: Gerald W. Ruth & Co.  
FOR: P.A. 1/24/89 Haines  
No. 085651  
B 81-000-89-277-A

post set(s), there each set not

VALIDATION OR SIGNATURE OF CASHIER  
DATE CASHIER P.M. HONEY YELLOW COUNTER



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner

December 15, 1988

### NOTICE OF HEARING

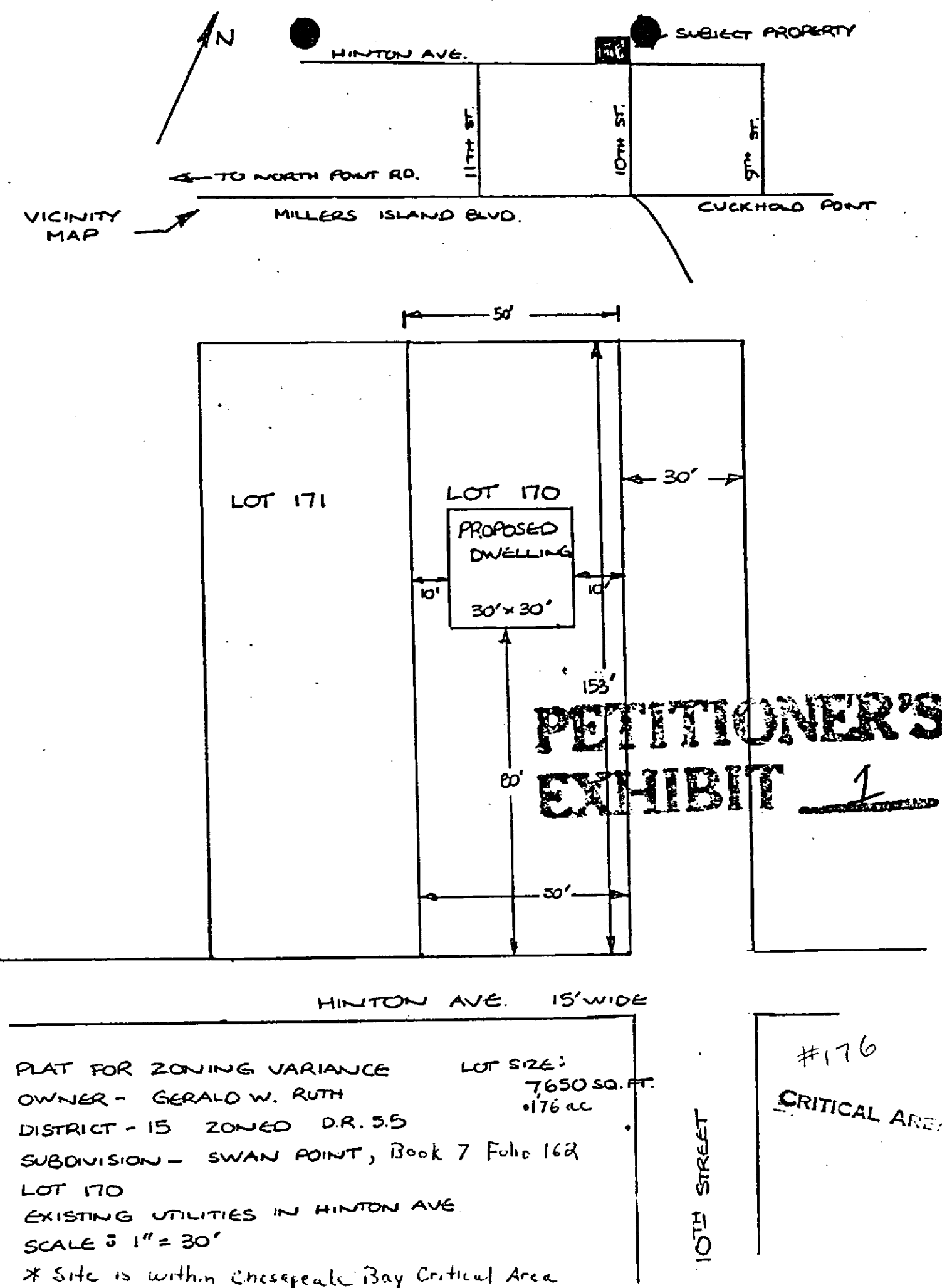
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

CASE NUMBER: 89-277-A  
Petition for Zoning Variance  
N.E. Hinton Avenue and 10th Street  
Lot #170  
15th Election District - 7th Councilmanic  
Petitioner(s): Gerald W. Ruth  
HEARING SCHEDULED: TUESDAY, JANUARY 24, 1989 at 2:00 p.m.

VARIANCE to permit a lot width of 50 feet and a side street of 10 feet in lieu of the required 55 feet and 25 feet, respectively.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
Zoning Commissioner of  
Baltimore County  
cc: Mr. Gerald W. Ruth  
File  
Chesapeake Bay Critical Area Commission



### BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
10th day of November, 1988.

Petitioner: Gerald W. Ruth  
Petitioner's Attorney

Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

November 25, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

ZAC - Meeting of November 9, 1988  
Item Nos. 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 172, 175, 176, 177, 178, 179, 180, 181, and 182.

Michael S. Flanagan  
Traffic Engineer Associate II

MSF/lvw

### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. Gerald W. Ruth  
8812 Hinton Avenue  
Baltimore, Maryland 21219

RE: Item No. 176, Case No. 89-277-A  
Petitioner: Gerald W. Ruth  
Petition for Zoning Variance

Dear Mr. Ruth:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:dt

Enclosures

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

To: J. Robert Haines  
Zoning Commissioner  
Date: January 20, 1989  
From: Pat Keller, Deputy Director  
Office of Planning and Zoning  
Subject: Zoning Petition Nos. 89-277-A (Ruth); 89-278-A (Curran);  
and 89-279-A (Boven)

The applicant in each of these cases is requesting consideration to establish lot sizes of 50 feet in width rather than 55 feet and variances to respective side yards where required. In reference to these requests, staff provides the following information.

- In instances such as these, staff's primary concerns are:
  - What is the impact on adjoining property?, and;
  - Are adequate front, side, and rear yard setbacks being provided on the site?, and;
  - Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following conditions be attached.

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law," provided by the applicant.

PK/sf

RECEIVED  
JAN 23 1989  
ZONING OFFICE

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

To: Mr. J. Robert Haines  
Zoning Commissioner  
Date: November 15, 1988  
From: Mr. Robert W. Sheesley  
Subject: Ruth Property - Hinton Avenue & 10th Street  
Petition for Zoning Variance - Item #176

Subject property is located on the corner of Hinton Avenue and 10th Street, Lot 170. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has filed a Petition for a Zoning Variance to permit a lot width of 50 feet and a side street of 10 feet in lieu of the required 55 feet and 25 feet, respectively.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01 >

The proposed development will comply with Critical Area law provided that the zoning petition is conditioned with the following requirements:

- One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.

Baltimore County  
Fire Department  
Towson, Maryland 21204-2556  
494-4300

Paul H. Reincke  
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Gerald W. Ruth

Location: NW corner of Hinton Avenue and 10th St.

(Critical)

Item No.: 176

Zoning Agenda: Meeting of 11/9/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at                      EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER:                      NOTED & APPROVED:                       
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

Memo to Mr. J. Robert Haines  
November 15, 1988  
Page 2

- Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 807-3980 if you require additional information.

Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

RWS:DCP:tjj

Attachment

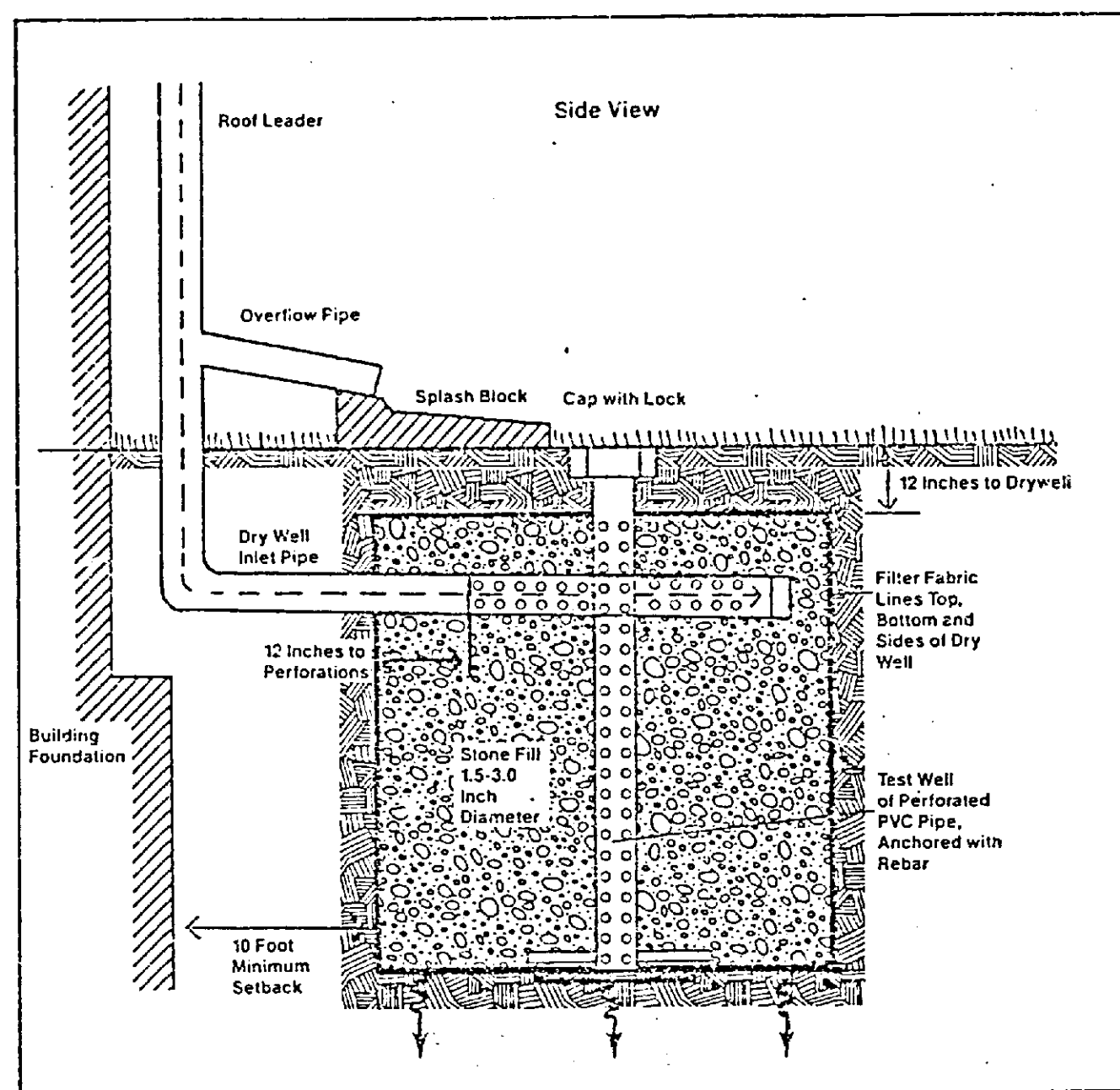
cc: The Honorable Ronald B. Hickernell



DESIGN 4:

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.2: Dry Well Design (adapted from Md WRA, 1984)



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

February 10, 1989



Dennis F. Rasmussen  
County Executive

Mr. Gerald W. Ruth  
8812 Hinton Avenue  
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE  
NW/Corner Hinton Avenue and 10th Street  
(8812 Hinton Avenue)  
15th Election District - 7th Councilmanic District  
Gerald W. Ruth - Petitioner  
Case No. 89-277-A

Dear Mr. Ruth:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

file

89-277A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Gerald Ruth

8812 Hinton Ave.